REGULATION No. I OF 1904.

(PASSED ON THE 5TH DAY OF FEBRUARY 1904.)

A Regulation to amend the Indian Penal Code, 1860, as it is in orce in ysore.

Whereas it is expedient to amend the Indian Penal Code, Act XLV of 1860, as it is in force in Mysore; His Highness the Maharaja is pleased to enact as follows:— Preamble.

1. (1) In this Regulation the expressions "the Indian Penal Code as in force in Mysore" and "the said Code" mean the Indian Penal Code as amended by Acts XXVII of 1870, XIX of 1872, and X of 1873, by the Code of Criminal Procedure as introduced into Mysore by Regulation I of 1886, and by Regulations I of 1892, II of 1894, and IV of 1894. Interpretation of the Indian Penal Code as in force in Mysore.

(2) Subject to the provisions of this Regulation, the rule of interpretation contained in section 31 of the General Clauses Regulation, 1899, shall apply to the Indian Penal Code as in force in Mysore as if the said Code had been expressed to be applied *mutatis mutandis* to Mysore.

2. (1) In section 1 of the said Code, the words and figures "on and from the first day of May 1861" shall be repealed.

(2) In section 2 of the said Code, the words and figures "on or after the said first day of May 1861" shall be repealed.

3. Section 4 of the said Code is hereby repealed, and the following section is substituted therefor, namely:—

"4. The provisions of this Code apply also to any offence committed by any subject of His Highness the Maharaja in any place without and beyond Mysore. Extension of Code to extra-territorial offences.

"*Explanation.*—In this section 'offence' includes every act committed outside Mysore which, if committed in Mysore would be punishable under this Code.

"*Illustrations.*

"(*a*) A, a coolie, who is a subject of His Highness the Maharaja, commits a murder in Uganda. He can be tried and convicted of murder in any place in Mysore in which he may be found.

"(*b*) D, a subject of His Highness the Maharaja living in Indore, instigates E to commit a murder in Mysore. D is guilty of abetting murder."

4. For the *Explanation* to section 28 of the said Code, the following shall be substituted, namely :—

"*Explanation 1.*—It is not essential to counterfeiting that the imitation should be exact.

"*Explanation 2.*—When a person causes one thing to resemble another thing and the resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so causing the one thing to resemble the other thing intended by means of that resemblance to practise deception or knew it to be likely that deception would thereby be practised."

5. In the second clause of section 40 of the said Code before the figures "109" the figures "64, 65, 66, 67, 71" shall be inserted.

6. In section 64 of the said Code, for the first twelve words the following shall be substituted, namely :—

"In every case of an offence punishable with imprisonment as well as fine, in which the offender is sentenced to a fine, whether with or without imprisonment,

"and in every case of an offence punishable with imprisonment or fine, or with fine only, in which the offender is sentenced to a fine."

7. In section 67 of the said Code, after the words "fine only" the words "the imprisonment which the Court imposes in default of payment of the fine shall be simple, and" shall be inserted.

8. To section 71 of the said Code, the following clause shall be added, namely :—

"Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, or

"where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a different offence,

"the offender shall not be punished with a more severe punishment than the Court which tries him could award for any one of such offences."

9. In section 73 of the said Code, for the words "be less than a" the words "shall not exceed one" shall be substituted.

10. In section 75 of the said Code, for the words "or to double the amount of punishment" to the end of the section, the following shall be substitued, namely :—

"or to imprisonment of either description for a term which may extend to ten years."

11. After section 108 of the said Code the following section shall be added, namely :—

"108A. A person abets an offence within the meaning of this Code who, in Mysore, abets the commission of any act without and beyond Mysore which would constitute an offence if committed in Mysore." Abetment in Mysore of offences outside it.

"*Illustration.*

"A, in Mysore, instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder."

12. Section 124A of the said Code is hereby repealed, and the following section is substituted therefor, namely :—

"124A. Whoever by words, either spoken or written, or by signs, or by visible representations or otherwise, brings or attempts to bring into hatred or contempt, or excites or attempts to excite disaffection towards His Majesty the King, Emperor of India, or His Highness the Maharaja, or towards the Governments established by law in British India and in the territories of His Highness the Maharaja, shall be punished with transportation for life or any shorter term, to which fine may be added, or with imprisonment which may extend to three years, to which fine may be added, or with fine. Sedition.

"*Explanation 1.*—The expression 'disaffection' includes disloyalty and all feelings of enmity.

"*Explanation 2.*—Comments expressing disapprobation of the measures of the Government of India or the Government of Mysore with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

"*Explanation 3.*—Comments expressing disapprobation of the administrative or other action of the Government of India or the Government of Mysore without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.'

13. After section 153 of the said Code the following section shall be inserted, namely : –

Promoting enmity between classes.

"153A. Whoever by words, either spoken or written, or by signs, or by visible representations, or otherwise, promotes or attempts to promote feelings of enmity or hatred between different classes of His Majesty the King Emperor or of His Highness the Maharaja's subjects, shall be punished with imprisonment which may extend to two years, or with fine, or with both.

"*Explanation.*—It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an honest view to their removal, matters which are producing, or have a tendency to produce, feelings of enmity or hatred between different classes of His Majesty the King Emperor's or His Highness the Maharaja's subjects."

14. To section 177 of the said Code, the following shall be added, namely :—

"*Explanation.*—In section 176 and in this section the word 'offence' includes any act committed at any place out of Mysore which, if committed in Mysore, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and the word 'offender' includes any person who is alleged to have been guilty of any such act."

False information with intent to cause public servant to use his lawful power to the injury of another person

15. For section 182 of the said Code, the following shall be substituted, namely:—

"182. Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant—

(*a*) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or

(*b*) to use the lawful power of such public servant to the injury or annoyance of any person,

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

" *Illustrations.*

" (*a*) A informs a Magistrate that Z, a Police officer subordinate to such Magistrate, has been guilty of neglect of duty or misconduct, knowing such information to be false, and knowing it to be likely that the information will cause the Magistrate to dismiss Z. A has committed the offence defined in this section.

" (*b*) A falsely informs a public servant that Z has contraband salt in a secret place knowing such information to be false, and knowing that it is likely that the consequence of the information will be a search of Z's premises, attended with annoyance to Z. A has committed the offence defined in this section.

" (*c*) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. He does not mention the name of any person as one of his assailants, but knows it to be likely that in consequence of this information the Police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has committed an offence under this section."

16. In *Explanation 1* to section 193 of the said Code, the words "or before a Military Court of Request" are hereby repealed.

17. To section 203 of the said Code the following shall be added, namely:—

" *Explanation.*—In sections 201 and 202 and in this section the word 'offence' includes any act committed at any place out of Mysore which, if committed in Mysore, would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460."

18. In section 212 of the said Code, immediately before the *Exception*, the following shall be inserted, namely:—

" 'Offence' in this section includes any act committed at any place out of Mysore which, if committed in Mysore, would be punishable under any of the following

sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Mysore."

19. In section 214 of the said Code, for the *Exception* the following shall be substituted, namely:—

Exception.—The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded."

20. After the first paragraph of section 216 of the said Code, the following shall be inserted, namely:—

"'Offence' in this section includes also any act or omission of which a person is alleged to have been guilty out of Mysore which, if he had been guilty of it in Mysore, would have been punishable as an offence, and for which he is, under any law relating to extradition, or otherwise, liable to be apprehended or detained in custody in Mysore; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in Mysore."

21. After section 216 of the said Code the following shall be inserted, namely:—

Penalty for harbouring robbers or dacoits.

"216A. Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity, harbours them or any of them, with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, shall be punished with rigorous imprisonment which may extend to seven years, and shall also be liable to fine.

"*Explanation.*—For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without Mysore.

"*Exception.*—This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

Definition of "harbour" in sections 212, 216 and 216A

"216B. In sections 212, 216 and 216A the word 'harbour' includes the supplying a person with shelter, food, drink, money, clothes, arms, ammunition or means of

conveyance, or the assisting a person in any way to evade apprehension."

22. For section 225A of the said Code, the following sections shall be substituted namely :—

Omission to apprehend, or sufferance of escape on part of public servant, in cases not otherwise provided for.

"225A. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

(*a*) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

(*b*) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Resistance or obstruction to lawful apprehension or escape or rescue, in cases not otherwise provided for.

"225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

23. (1) For the second paragraph of section 23 of the said Code, the following shall be substituted, namely:—

King's coin.

"King's coin is metal stamped and issued by the authority of the King-Emperor, or by the authority of the Government of India, or of the Government of any Presidency, or of any Government in the King Emperor's dominions, in order to be used as money; and metal which has been so stamped and issued shall continue to be the King's coin for the purposes of this chapter, notwithstanding that it may have ceased to be used as money."

(2) To the illustrations appended to the same section, the following shall be added, namely :—

"(*e*) The 'Farukhabad rupee,' which was formerly used as money under the authority of the Government of India, is King's coin, although it is no longer so used."

24. To Chapter XII of the said Code, the following shall be added, namely:—

Prohibition of fictitious stamps.

"263A. (1) Whoever—

(*a*) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(*b*) has in his possession, without lawful excuse, any fictitious stamp, or

(*c*) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp,

shall be punished with fine which may extend to two hundred rupees.

"(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and shall be forfeited.

"(3) In this section 'fictitious stamp' means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage, or any facsimile or imitation or representation, whether on paper or otherwise, of any stamp issued by Government for that purpose.

"(4) In this section and also in sections 255 to 263, both inclusive, the word 'Government,' when used in connection with, or in reference to, any stamp issued for the purpose of denoting a rate of postage, shall, notwithstanding anything in section 17, be deemed to include the person or persons authorized by law to administer executive Government in any part of India, and also in any part of His Majesty the King Emperor's dominions or in any foreign country."

Obscene acts and songs.

25. For section 294 of the said Code, the following shall be substituted, namely:—

"294. Whoever, to the annoyance of others—

(*a*) does any obscene act in any public place, or

(*b*) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both."

26. In *Illustration* (*c*) to section 307 of the said Code, after the word "of" the words "the first paragraph of" shall be inserted.

27. In section 309 of the said Code, for the last seven words, the words "or with fine or with both" shall be substituted.

28. In section 335 of the said Code, before the word "causes" the word "voluntarily" shall be inserted.

29. In section 375 of the said Code, in the clause marked *fifthly* and in the *Exception*, the word "twelve" shall be substituted for the word "ten."

30. (1) In section 410 of the said Code, the words "the offence of" occurring before the words "criminal breach of trust" shall be repealed.

(2) In the same section, after the words "designated as 'stolen property'" the following words shall be inserted, namely :—

"whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without Mysore."

31. In section 435 of the said Code, after the words "or upwards" the following words shall be inserted, namely :—

"or (where the property is agricultural produce) ten rupees or upwards."

32. After section 477 of the said Code, the following shall be added, namely :—

"477A. Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, wilfully, and with intent to defraud, destroys, alters, mutilates, or falsifies any book, paper, writing, valuable security or account which belongs to or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, makes or abets the making of any false entry in or omits or alters or abets the omission or alteration of any material particular from or in, any such book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both. Falsification of accounts.

"*Explanation.*—It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person intended to be defrauded or specifying any particular sum of money intended to be the subject of the fraud, or any particular day on which the offence was committed."

33. After section 489 of the said Code the following sections shall be added, namely :—

"*Of Currency-Notes and Bank-Notes.*

Counterfeiting currency-notes or bank notes.

"489A. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any currency-note or bank-note, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be to liable to fine.

"*Explanation.*—For the purposes of this section and of sections 489B, 489C and 489D, the expression 'Bank-note' means a promissory note or engagement for the payment of money to beareron demand issued by any person carrying on the business of banking in any part of the world, or issued by or under the authority of any State or Sovereign Power, and intended to be used as equivalent to, or as a substitute for, money.

Using as genuine forged or counterfeit currency-notes or bank notes.

"489B. Whoever sells to, or buys or receives from, any other person, or otherwise traffics in or uses as genuine, any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Possession of forged or counterfeit currency-notes or bank-notes.

"489C. Whoever has in his possession any forged or counterfeit currency-note or bank-note, knowing or having reason to believe the same to be forged or counterfeit and intending to use the same as genuine or that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.

"489D. Whoever makes, or performs any part of the process of making, or buys or sells or disposes of, or has in his possession, any machinery, instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for

forging or counterfeiting any currency-note or bank-note, shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

34. Section 505 of the said Code is hereby repealed, and the following section is substituted therefor, namely:—

Statements conducing to public mischief

"505. Whoever makes, publishes or circulates any statement, rumour or report,—

(*a*) with intent to cause, or which is likely to cause, any officer, soldier or sailor in the army or navy of His Majesty the King Emperor or in the Royal Indian Marine or in the Military Forces of the Maharaja to mutiny or otherwise disregard or fail in his duty as such; or

(*b*) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public, whereby any person may be induced to commit an offence against the State or against the public tranquillity; or

(*c*) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community;

shall be punished with imprisonment which may extend to two years, or with fine, or with both.

"*Exception.*—It does not amount to an offence, within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement, rumour or report is true, and makes, publishes or circulates it without any such intent as aforesaid."

Commencement of Regulation.

35. This Regulation shall come into force on the first day of April 1904.